Authority: U.S. Const., Art II, sec. 2, and authority of the President as Chief Executive.

§ 1.1 Submission of petition; form to be used; contents of petition.

Persons seeking Executive clemency by pardon, reprieve, commutation of sentence or remission of fine shall execute formal petitions therefor. The petitions shall be addressed to the President of the United States and shall be submitted to the Pardon Attorney, Department of Justice, Washington, D.C. 20530, except for petitions relating to military offenses. Petitions and other required forms may be obtained from the Pardon Attorney. Petition forms for commutation of sentence also may be obtained from the wardens of Federal penal institutions. A petitioner applying for Executive clemency with respect to military offenses should submit his petition directly to the Secretary of the military department which had original jurisdiction over the courtmartial trial and conviction of the petitioner. In such instance, a form furnished by the Pardon Attorney may be used but should be modified to meet the needs of the particular case. Each petition for Executive clemency should include the information required in the form prescribed by the Attorney General.

§ 1.2 Eligibility for filing petition for pardon.

No petition for pardon should be filed until the expiration of a waiting period of at least five years subsequent to the date of the release of the petitioner from confinement or, in case no prison sentence was imposed, until the expiration of a period of at least five years subsequent to the date of the conviction of the petitioner. In some cases, such as those involving violent crimes, violation of narcotics laws, gun control laws, income tax laws, perjury, violation of public trust involving personal dishonesty, fraud involving substantial sums of money, violations involving organized crime, or other crimes of a serious nature, no petition should be filed until the expiration of a waiting period of seven years. The waiting period may be waived in cases of aliens seeking a pardon to avert deportation. Generally, no petition should be submitted by a person who is on probation or parole.

§ 1.3 Eligibility for filing petition for commutation of sentence.

A petition for commutation of sentence, including remission of fine, should be filed only if no other form of relief is available, such as from a court of the United States Parole Commission, or if unusual circumstances exist, such as critical illness, severity of sentence, ineligibility for parole, or meritorious service rendered by the petitioner.

§ 1.4 Offenses against the laws of possessions or territories of the United States.

Petitions for Executive clemency shall relate only to violations of laws of the United States. Petitions relating to violations of laws of the possessions of the United States or territories subject to the jurisdiction thereof should be submitted to the appropriate official or agency of the possession or territory concerned.

§ 1.5 Disclosure of files.

Petitions, reports, memoranda and communications submitted or furnished in connection with the consideration of a petition for Executive clemency generally shall be available only to the officials concerned with the consideration of the petition. However, they may be made available for inspection, in whole or in part, when in the judgment of the Attorney General their disclosure is required by law or the ends of justice.

§ 1.6 Consideration of petitions; recommendations to the President.

(a) Upon receipt of a petition for Executive clemency the Attorney General shall cause such investigation to be made of the matter as he may deem necessary and appropriate, using the services of, or obtaining reports, from, appropriate officials and agencies of the Government, including the Federal Bureau of Investigation.

(b) The Attorney General shall review each petition and all pertinent information developed by the investigation and shall determine whether the request for clemency is of sufficient merit to warrant favorable action by the President. He shall report in writing his recommendation to the President, stating whether in his judgment the President should grant or deny the petition.

§ 1.7 Notification of grant of clemency.

When a petition for pardon is granted, the petitioner or his attorney shall be notified of such action and the warrant of pardon shall be mailed to the petitioner. When commutation of sentence is granted, the petitioner shall be notified of such action and the warrant of commutation shall be sent to the petitioner through the officer in charge of his place of confinement, or directly to the petitioner if he is on parole.

§ 1.8 Notification of denial of clemency.

(a) Whenever the President notifies the Attorney General that he is denying a request for clemency, the Attorney General shall so advise the petitioner and close the case.

(b) Whenever the Attorney General recommends that the President deny a request for clemency and the President does not disapprove or take other action with respect to that adverse recommendation within 30 days after the date of its submission to him, it shall be presumed that the President concurs in that adverse recommendation of the Attorney General, and the Attorney General shall so advise the petitioner and close the case.

§ 1.9 Delegation of authority.

The Attorney General may delegate to any officer of the Department of Justice any of his duties or responsibilities under §§ 1.1 through 1.8.

§ 1.10 Advisory nature of regulations.

The regulations contained in this part are advisory only and for the internal guidance of Department of Justice personnel. They create no enforceable rights in persons applying for Executive clemency, nor do they restrict the authority granted to the President under Article II, Section 2 of the Constitution.

Dated: April 27, 1983.
Approved:

Ronald Reagan
President.

Dated: May 5, 1983.

William French Smith,
Attorney General.

[FR Doc. 83-13359 Filed 5-17-83; 8:45 am]
BILLING CODE 4410-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 947

Surface Mining and Reclamation Operations Under a Federal Program for Washington

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Corrections and Modifications to the Washington Federal Program and postponement of effective date.

SUMMARY: The Office of Surface Mining (OSM) is making minor corrections and modifications to the applicability and procedural requirements of the Federal program to regulate surface coal mining and reclamation operations in Washington in response to public comments. In order to give the public the maximum time permissible for required permit applications, the effective date for the program has been postponed from May 13, 1983 to May 16, 1983.

EFFECTIVE DATE: May 16, 1983.

FOR FURTHER INFORMATION CONTACT: James M. Kress, Branch of Regulatory Programs, Office of Surface Mining, U.S. Department of the Interior, 1951 Constitution Avenue NW., Room 204, Washington, D.C. 20240, Telephone: (202) 343–5866.

SUPPLEMENTARY INFORMATION: On February 24, 1983, the Office of Surface Mining published an interim final Federal program for Washington in the **Federal Register** to regulate coal exploration and surface coal mining and reclamation operations on non-Federal and non-Indian lands in that State. 48 FR 7870. At that time, OSM announced that the effective date of the program would be April 25, 1983, and that comments would be accepted until April 14, 1983, on whether the pending revisions to OSM's permanent program rules made it necessary or desirable for OSM to modify the Washington Federal program, since the Washington Federal program cross-references those rules.

In response to public comment, OSM postponed the effective date of the Washington Federal program until May 13, 1983, and extended the comment period until April 28, 1983. 48 FR 16058; April 14, 1983.

After considering all comments received during the comment period, OSM is today making minor corrections and modifications to the Washington Federal program published February 24, 1983. In order to give the public the maximum time permissible for required permit applications, all aspects of the corrected and modified Washington Federal program take effect May 16, 1983. OSM will acknowledge and respond to coments received during the comment period in the **Federal Register** in the near future.

List of Subjects in 30 CFR Part 947

Coal mining, Intergovernmental relations, Surface mining, Underground mining, Reporting requirements.

Dated: May 13, 1983.

J. R. Harris,

Director, Office of Surface Mining.

30 CFR Chapter VII is amended as follows:

PART 947—WASHINGTON

1. Section 947.700 is amended by revising paragraph (g) to read as follows:

§ 947.700 Washington Federal Program

* * * * *

(g) The Secretary may grant a limited variance from the performance standards of Section 947.815 through 947.828 of this Part if the applicant for a coal exploration approval or surface coal mining reclamation permit submitted pursuant to Sections 947.770 through 947.788 of this Part can demonstrate in the application (1) that such a variance is necessary because of the nature of the terrain, climate, biological, chemical, or other relevant physical conditions in the area of the mine; and (2) if applicable, that the proposed variance is no less effective than the environmental protection requirements of the regulations in this program and is consistent with the Act.

2. Section 947.701 is amended by revising paragraph (a) and by designating the definition of Forestry (Forest land) in paragraph (b) as paragraph (b)(2) and adding a new paragraph (b)(1), to read as follows:

§ 947.701 General.

(a) Sections 700.5, 700.11, 700.12, 700.13, 700.14, 700.15, and Part 701 of this chapter shall apply to surface coal mining operations in Washington.

(b) The following modified definitions shall be applicable under § 701.5 of this chapter:

(1) *Arid and semiarid area* means, in the context of alluvial valley floors, an area of the interior western United States, west of the 100th meridian west longitude, experiencing water deficits, where water use by native vegetation equals or exceeds that supplied by precipitation. All coalfields located in North Dakota west of the 100th meridian west longitude, all coalfields in Montana, Wyoming, Utah, Colorado, New Mexico, Idaho, Nevada, and Arizona, the Eagle Pass field in Texas, and the Stone Canyon and the Ione fields in California are in arid and semiarid areas, except that all coalfields located in the State of Washington west of the crest of the Cascade Mountain Range are not in arid or semiarid areas.

(2) *Forestry (Forest Land).* Includes * * *

* * * * *

3. Section 947.780 is amended by revising paragraph (a) to read as follows:

§ 947.780 Surface mining permit application—minimum requirements for reclamation and operation plan.

(a) Part 780 of this chapter, *Surface Mining Permit Application—Minimum Requirements for Reclamation and Operation Plan,* shall apply to any person who makes application to conduct surface coal mining and reclamation operations, except for § 780.15(a) of that Part.

* * * * *

4. Section 947.822 is revised to read as follows:

§ 947.822 Special performance standards—operations on alluvial valley floors.

Part 822 of this chapter, *Special Performance Standards—Operations on Alluvial Valley Floors,* shall apply to any person who conducts surface coal mining and reclamation operations on alluvial valley floors, except in those coalfields in Washington west of the crest of the Cascade Mountain Range.

(Pub. L. 95–87, the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1201 *et seq.*)

[FR Doc. 83–13383 Filed 5–16–83; 11:04 am]

BILLING CODE 4310–05–M

VETERANS ADMINISTRATION

38 CFR Part 36

Decrease in Maximum Permissible Interest Rates on Guaranteed Manufactured Home Loans, and Home and Condominium Loans

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: The VA (Veterans Administration) is decreasing the maximum interest rates on guaranteed manufactured home unit loans, lot loans, and combination manufactured home unit and lot loans. In addition, the maximum interest rate applicable to home and condominium loans is also decreased, and a different maximum interest rate for graduated payment mortgages is established for those purposes. These decreases in interest rates are possible because of recent improvements in the availability of funds in various credit markets. The decrease in the interest rates will allow eligible veterans to obtain loans at a lower monthly cost.

EFFECTIVE DATE: May 9, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. George D. Moerman, Loan Guaranty Service (264), Department of Veterans Benefits, Veterans Administration, 810

Vermont Avenue, NW., Washington, D.C. 20420 (202-389-3042).

SUPPLEMENTARY INFORMATION: The Administrator is required by section 1819(f), title 38, United States Code, to establish maximum interest rates for manufactured home loans guaranteed by the VA as he finds the manufactured home loan capital markets demand. Recent market indicators—including the prime rate, the general decrease in interest rates charged on conventional manufactured home loans, and the decrease of other short-term and long-term interest rates—have shown that the manufactured home capital markets have improved. It is now possible to decrease the interest rates on manufactured home unit loans, lot loans, and combination manufactured home unit and lot loans while still assuring an adequate supply of funds from lenders and investors to make these types of VA loans.

After consultation with the Secretary of Housing and Urban Development as required by law, it has been determined that a decrease in the VA home and condominium interest rate is warranted at this time. It has also been determined that the capital markets require a higher yield on graduated payment mortgages compared to fixed-payment mortgages. To assure an adequate supply of funds for this type of mortgage at reasonable discount levels, a maximum rate ¼ percent higher than the rate for fixed payment mortgages is being established.

The decrease in the VA maximum home and condominium interest rate should not have an adverse impact on the availability of funds necessary to make VA loans. The decrease in the VA interest rate, however, should allow more veterans to purchase a home because of the lower monthly payment for principal and interest required at the lower interest rate.

Paragraphs (b), (c), and (d) of § 36.4311 have been redesignated paragraphs (c), (d), and (e). This allows the addition of a new paragraph (b) to § 36.4311 establishing a different maximum interest rate for graduated payment mortgages.

The Administrator's statutory authority to establish interest rates has been delegated by 38 CFR 2.6(b)(3) to the Chief Benefits Director, Deputy Chief Benefits Director, or person authorized to act for them.

Regulatory Flexibility Act/Executive Order 12291

For the reasons discussed in the May 7, 1981 **Federal Register** (46 FR 25443), it has previously been determined that final regulations of this type which change the maximum interest rates for loans guaranteed, insured, or made pursuant to Chapter 37 of title 38, United States Code, are not subject to the provisions of the Regulatory Flexibility Act, 5 U.S.C. 601-612.

The amendment to allow a different interest rate for GPM (graduated payment mortage) loans is in effect only a decrease in the VA maximum interest rate for home and condominium loans amortized with graduated payment in lieu of fixed payment features. The interest differential for GPM loans is necessary because of mortgage money market pricing differences on pools of graduated payment mortgages as compared to fixed-payment mortgages.

Publication for notice and public comment is not necessary for the same reasons as discussed in the May 7, 1981, **Federal Register** (46 FR 25443). The delay necessary to publish a proposed regulation would require a minimum of 45 days which would be harmful to home buyers wishing to purchase housing with VA graduated payment mortgage loans. A delay would likely halt the closing of VA GPM mortgages pending the needed rate differential. This delay would prove costly to lenders who would be unwilling to process this type of loan pending resolution of the rate issue; to builders and developers who would be unable to sell some of their homes timely and thus incur increased construction costs; and to veterans who would be unable to obtain the homes of their choice, delaying home ownership and extending their current shelter costs. It is appropriate, therefore, to avoid these added costs to all three categories of program participants and provide a different maximum interest rate for graduated payment mortgages. This interest rate differential will be maintained as long as market conditions required the increased yield for graduated payment mortgage loans.

These regulatory amendments have also been reviewed under the provisions of Executive Order 12291. The VA finds that they are not "major rules" as defined in that Order. The existing process of informal consultation among representatives within the Executive Office of the President, OMB, the VA and the Department of Housing and Urban Development has been determined to be adequate to satisfy the intent of this Executive Order for this category of regulations. This alternative consultation process permits timely rate adjustments with minimal risk of premature disclosure. In summary, this consultation process will fulfill the intent of the Executive Order while still permitting compliance with statutory responsibilities for timely rate adjustments and a stable flow of mortgage credit at rates consistent with the market.

This final regulations come within exceptions to the general VA policy of prior publication of proposed rules as contained in 38 CFR 1.12. The publication of notice of a regulatory change in the VA maximum interest rates for VA guaranteed, insured or direct loans would deny veterans the benefit of lower interest rates pending the final rule publication date which would necessarily be more than 30 days after publication in proposed form. Accordingly, it has been determined that publication of proposed regulations prior to publication of final regulations is impracticable, unnecessary, and contrary to the public interest.

(Catalog of Federal Domestic Assistance Program numbers, 64.113, 64.114, and 64.119)

These regulations are adopted under authority granted to the Administrator by sections 210(c), 1803(c)(1), 1811(d)(1) and 1819 (f) and (g) of title 38, United States Code and delegated to the undersigned by 38 CFR 2.6(b)(3). The regulations are clearly within that statutory authority and are consistent with Congressional intent.

These decreases are accomplished by amending §§ 36.4212(a) (1), (2), and (3), 36.4311, and 36.4503(a), title 38, Code of Federal Regulations.

List of Subjects in 38 CFR Part 36

Condominiums, Handicapped, Housing, Loan programs—housing and community development, Manufactured Homes, Veterans.

Approved: May 6, 1983.

By direction of the Administrator.

Dorothy L. Starbuck,

Chief Benefits Director.

PART 36—LOAN GUARANTY

The Veterans Administration is amending 38 CFR Part 36 as follows:

1. In § 36.4212, paragraph (a) is revised to read as follows:

§ 36.4212 Interest rates and late charges.

(a) The interest rate charged the borrower on a loan guaranteed or insured pursuant to 38 U.S.C. 1819 may not exceed the following maxima except on loans guaranteed or insured pursuant to guaranty or insurance commitments issued by the Veterans Administration prior to the respective effective date: (38 U.S.C. 1819(f))

(1) Effective May 9, 1983, 13½ percent simple interest per annum for a loan which finances the purchase of a manufactured home unit only.

(2) Effective May 9, 1983, 13 percent simple interest per annum for a loan which finances the purchase of a lot only and the cost of necessary site preparation, if any.

(3) Effective May 9, 1983, 13 percent simple interest per annum for a loan which will finance the simultaneous acquisition of a manufactured home and a lot and/or the site preparation necessary to make a lot acceptable as the site for the manufactured home.

* * * * *

2. Section 36.4311 is revised as follows:

§ 36.4311 Interest rates.

(a) Excepting loans guaranteed or insured pursuant to guaranty or insurance commitments issued by the Veterans Administration which specify an interest rate in excess of 11½ per centum per annum, effective May 9, 1983, the interest rate on any home or condominium loan, other than a graduated payment mortgage loan, guaranteed or insured wholly or in part on or after such date may not exceed 11½ per centum per annum on the unpaid principal balance. (38 U.S.C. 1803(c)(1))

(b) Excepting loans guaranteed or insured pursuant to guaranty or insurance commitments issued by the Veterans Administration which specify an interest rate in excess of 11¾ per centum per annum, effective May 9, 1983, the interest rate of any graduated payment mortgage loan guaranteed or insured wholly or in part on or after such date may not exceed 11¾ per centum per annum. (38 U.S.C. 1803(c)(1)).

(c) Effective October 13, 1982, the interest rate on any loan solely for energy conservation improvements or other alterations, improvements or repairs which is guaranteed or insured wholly or in part on or after such date may not exceed 13 per centum per annum on the unpaid principal balance. (38 U.S.C. 1803(c)(1))

(d) Interest in excess of the rate reported by the lender when requesting evidence of guaranty or insurance shall not be payable on any advance, or in the event of any delinquency or default: *Provided*, That a late charge not in excess of an amount equal to 4 percent on any installment paid more than 15 days after due date shall not be considered a violation of this limitation.

(e) Refinancing loans for the purpose of an interest rate reduction (38 U.S.C. 1810(a)(8)) may specify an interest rate in excess of the rate specified in paragraphs (a), (b) and (c) of this section provided the interest rate of the refinancing loan is less than the interest rate of the current Veterans Administration loan being refinanced. (38 U.S.C. 1803(c)(1) and 1810(c))

3. In § 36.4503, paragraph (a) is revised to read as follows:

§ 36.4503 Amount and amortization.

(a) The original principal amount of any loan made on or after October 1, 1980, shall not exceed an amount which bears the same ratio to $33,000 as the amount of the guaranty to which the veteran is enrolled under 38 U.S.C. 1810 at the time the loan is made bears to $27,500. This limitation shall not preclude the making of advances, otherwise proper, subsequent to the making of the loan pursuant to the provisions of § 36.4511. Except as to home improvement loans, loans made by the Veterans Administration shall bear interest at the rate of 11½ percent per annum. Loans solely for the purpose of energy conservation improvements or other alterations, improvements, or repairs shall bear interest at the rate of 13 percent per annum. (38 U.S.C. 1811(d)(1) and (2)(A))

* * * * *

[FR Doc. 83-13314 Filed 5-17-83 8:45 am]
BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL 2339-8]

Approval and Promulgation of Implementation Plans; Indiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: The EPA is approving a Marion County, Indiana, open burning regulation as a revision to the Indiana State Implementation Plan (SIP) for total suspended particulates (TSP). This regulation will decrease TSP levels in Marion County and will assist in attaining the TSP National Ambient Air Quality Standards (NAAQS) there.

EFFECTIVE DATE: This final rulemaking becomes effective on June 17, 1983.

ADDRESSES: Copies of this revision to the Indiana SIP are available for inspection at: The Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C. 20408.

Copies of the SIP revision, the public comment on the notice of proposed rulemaking and other materials relating to this rulemaking are available for inspection at the following addresses: (It is recommended that you telephone Robert B. Miller at (312) 886-6031 before visiting the Region V Office).

Environmental Protection Agency, Region V, Air Programs Branch, 230 South Dearborn Street, Chicago, Illinois 60604

Environmental Protection Agency, Public Information Reference Unit, 401 M Street, SW., Washington, D.C. 20460

Indiana Air Pollution Control Division, Indiana State Board of Health, 1330 West Michigan Street, Indianapolis, Indiana 46206

FOR FURTHER INFORMATION CONTACT: Robert B. Miller (312) 886-6031.

SUPPLEMENTARY INFORMATION: Under Section 107 of the Clean Air Act (Act), EPA has designated certain areas in each State, including portions of Marion County, Indiana, as not attaining the NAAQS for TSP.[1] See 43 FR 8962 (March 3, 1978) and 43 FR 45993 (October 5, 1978). For these areas, Part D of the Act requires that the State revise its SIP to provide for attaining the primary NAAQS by December 31, 1982. These SIP revisions must also provide for attaining the secondary NAAQS as soon as practicable. The requirements for an approvable SIP are described in a "General Preamble" for Part D rulemakings published at 44 FR 20372 (April 4, 1979), 44 FR 38583 (July 2, 1979), 44 FR 50371 (August 28, 1979), 44 FR 53761 (September 17, 1979), and 44 FR 67182 (November 23, 1979).

In response to Part D of the Act, on February 11, 1980, Indiana submitted its Marion County TSP SIP strategy to EPA. A supplement was submitted on October 28, 1981. The Marion County plan was based on requiring reasonably available control technology (RACT) to be placed on all existing industrial sources and studying various nontraditional fugitive dust control methods to bring Marion County into attainment. EPA conditionally approved the plan on July 16, 1982 (47 FR 30972), except for the coke battery regulation.

In its final rulemaking, EPA noted that Indiana had submitted a Marion County open burning regulation on April 16, 1982, and that EPA would rulemake on it and the coke battery regulation in subsequent **Federal Register** notices. An amended version of the Marion County open burning regulation was submitted on August 25, 1982. EPA proposed the August 25, 1982, regulation for public comment on September 9, 1982 (47 FR 39696). One comment was received in response to this proposal. After reviewing the regulation and the comment received, EPA today is

[1] The primary TSP NAAQS is violated when, in a year, either: (1) The geometric mean value of a site's TSP concentrations exceeds 75 micrograms per cubic meter of air (75 $\mu g/m^3$) (the annual standard), or (2) the maximum 24-hour concentration of TSP exceeds 260 $\mu g/m^3$ more than once (the 24-hour primary standard). The secondary TSP standard is violated when, in a year, the maximum 24-hour concentration exceeds 150 $\mu g/m^3$ more than once.

approving the August 25, 1982 Marion County open burning regulation.

EPA is approving the Marion County open burning regulation as a revision to the SIP because this regulation should lead to a reduction in particulate levels in Marion County over those levels predicted to be emitted under the present SIP. It should also lead to reductions in the hydrocarbon levels (precursors to ozone) and the carbon monoxide levels. While EPA conditionally approved the Marion County TSP plan without an open burning regulation as meeting the requirements of Part D of the Act, inclusion of an open burning regulation will assist Indiana in its goal of attaining the NAAQS in Marion County. EPA's approval today of the Marion County regulation supplements but does not replace the currently approved State regulation (325 IAC Article 4-1, which was formerly APC 2). The general State regulation will remain a part of the Marion County SIP. EPA will recognize variances to these regulations given by the State or the County only if they are submitted and approved as revisions to the SIP.

In response to the September 9, 1982, notice of proposed rulemaking (NPR), EPA received one comment from the State of Connecticut. The comment noted that, in Connecticut, no trash burning is allowed for homeowners and brush burning is severely restricted. The commenter believed that the Marion County open burning regulation is a relaxation from the existing SIP and wished to know what additional restrictions are being placed on Marion County sources in order to compensate for this relaxation.

Contrary to the commenter's contention, the Marion County open burning regulation is more stringent than the statewide regulation, 325 IAC Article 4-1, which was the only approved SIP regulation in Marion County. (As stated earlier, 325 IAC Article 4-1 remains applicable in Marion County.) Therefore, the SIP is not being relaxed.

EPA has previously reviewed Indiana's total TSP package of regulations for Marion County in relation to the Part D TSP SIP. Indiana's strategy is based on RACT plus further studies of nontraditional sources. EPA approved this package as sufficient on July 16, 1982. Because the new Marion County regulation is more stringent, today's action on this regulation should lead to more expeditious attainment of the NAAQS in Marion County.

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by 60 days from today. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations.

Note.—Incorporation by reference of the State Implementation Plan for the State of Indiana was approval by the Director of the **Federal Register** on July 1, 1982.

This notice is issued under authority of Sections 110 and 172 of the Clean air Act, as amended (42 U.S.C. 7410 and 7502.

Dated: May 11, 1983.

Lee L. Verstandig,

Acting Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Title 40 of the Code of Federal Regulations, Chapter I, Part 52 is amended as follows:

1. Section 52.770 is amended by adding paragraph (c)(44) as follows:

§ 52.770 Identification of plan.

* * * * *

(c) * * *

(44) On June 28, 1982, Indiana submitted new open burning regulations for Marion County. An amendment was submitted on August 25, 1982.

* * * * *

[FR Doc. 83-13333 Filed 5-17-83; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 52

[A-5-FRL 2323-4]

Approval and Promulgation of Implementation Plans; Indiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: The EPA announces final rulemaking action on revisions to the Indiana State Implementation Plan (SIP) for ozone and total suspended particulate (TSP). The revision pertains to source specific emission limitations contained in operating permits which have been issued by the State to Jeffboat, Incorporated, located in Jeffersonville, Indiana. The operating permits set forth specific limitations on the total amount of hydrocarbon [also known as volatile organic compound (VOC)] and particulate emissions from certain paint spraying and metal cleaning operations at Jeffboat, Incorporated. The intent of today's rulemaking is to incorporate these emission limitations into the State's SIP.

EFFECTIVE DATE: This final rulemaking becomes effective on June 17, 1983.

ADDRESSES: Copies of this revision to the Indiana SIP are available for inspection at: The Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C. 20408.

Copies of the SIP revision, public comments on the notice of proposed rulemaking and other materials relating to this rulemaking are available for inspection at the following addresses:

Environmental Protection Agency, Region V, Air Programs Branch 230 South Dearborn Street, Chicago, Illinois 60604

Environmental Protection Agency, Public Information Reference Unit, 401 M Street, SW., Washington, D.C. 20460

Indiana Air Pollution Control Division, Indiana State Board of Health, 1330 West Michigan Street, Indianapolis, Indiana 46206

FOR FURTHER INFORMATION CONTACT: Sharon Reinders (312) 886-6034.

SUPPLEMENTARY INFORMATION:

Background

On November 24, 1981, the Indiana Air Pollution Control Board, submitted a revision to the Indiana SIP. The revision is in the form of two operating permits for Jeffboat, Incorporated, located in Jeffersonville, Indiana, a designated nonattainment area for the pollutants ozone and TSP. The permits set forth the following emission limitations.

Source	Operation	Pollutant	Emission limit
Plate shop	Paint spraying	Ozone [1]	110 lbs/hr, 2600 lbs/day, 340 t/yr.
	Metal Cleaning	TSP	5 lbs/hr, 15 t/yr.
Structural shop.	Paint spraying	Ozone	88 lbs/hr, 2100 lbs/day, 274 t/yr.
	Metal Cleaning	TSP	14 lbs/hr, 43 t/yr.

[1] Permit limits pertain to volatile organic compounds

As shown above, VOC emissions from paint spraying are limited to 198 pounds per hour, 4700 pounds per day, and 614 tons per year. TSP emissions from metal cleaning and spraying are limited to 19 pounds per hour and 58 tons per year. The technical support developed by the